

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 1:04-CR-10231

UNITED STATES OF AMERICA)
)
V.)
)
)
PETER MAGGIO)

DEFENDANT PETER MAGGIO'S
UNOPPOSED MOTION
TO CONTINUE DATE FOR SENTENCING

NOW COMES, Peter Maggio through undersigned counsel and respectfully moves this Honorable Court for an order continuing the date for his sentencing.

In support of the instant request counsel represents as follows:

1. Counsel for the Defendant Peter Maggio, James Michael Merberg, is a sole practitioner with offices at 66 Long Wharf, Boston, MA.
2. The Defendant Maggio had previously entered pleas of guilty to the indictment, and his sentencing was originally scheduled by this Honorable Court, for September 20, 2006 at 3:00 p.m.
3. By order entered August 15, 2006, the Defendant Maggio's sentencing was reset for October 20, 2006 at 2:30 p.m., in Courtroom 10, before the Honorable Chief Judge Mark L. Wolf.
4. Undersigned counsel, following receipt of the August 15, 2006 order, rescheduling the sentencing from September 20, 2006 to October 20, 2006, recorded the new date and time.
5. Undersigned counsel has a son attending his first year at Brewster Academy, located in Wolfeboro, NH.

6. At the Brewster Academy registration, which occurred during the second week of September, undersigned counsel received information concerning Parents Weekend, which is scheduled for October 20th and 21st, 2006.

7. Undersigned counsel was under the impression that the Fall Parents Weekend would begin late afternoon on Friday October 20, 2006, and would not conflict with the sentencing before this Honorable Court.

8. Undersigned counsel has recently learned that the Fall Parents Weekend schedule begins at 11:00 a.m. on Friday October 20, 2006, and includes parent conferences with advisors and teachers in classrooms, between the hours of 12:30 p.m. and 5:00 p.m. on Friday October 20, 2006.

9. Undersigned counsel is desirous of attending and participating in the advisors and teachers conferences at Brewster Academy, which begins at 12:30 p.m. on October 20, 2006.

10. Undersigned counsel would be unable to attend the advisor and teacher conferences at Brewster Academy, if the sentencing of the Defendant Peter Maggio takes place on Friday October 20, 2006 at 2:30 p.m.

11. Undersigned counsel has conferred with Assistant United States Attorney Victor Wild, who has informed me that he does not oppose the instant request for a continuance of the sentencing as to the Defendant Peter Maggio, only.

WHEREFORE, Peter Maggio through undersigned counsel respectfully moves this Honorable Court for an order continuing the sentencing of Peter Maggio from Friday October 20, 2006 at 2:30 p.m., to a future date convenient to the Court, the Office of the United States Attorney, and undersigned counsel.

Respectfully submitted,
Peter Maggio
by his attorney,

/s/ James Michael Merberg

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